

# AREA PLAN COMMISSION OF TIPPECANOE COUNTY

## EXECUTIVE COMMITTEE

### MINUTES OF PUBLIC HEARING

DATE .....JULY 3, 2002  
TIME.....4:30 P.M.  
PLACE .....CO. OFFICE BLDG.  
20 N. 3<sup>RD</sup> STREET  
LAFAYETTE IN 47901

#### MEMBERS PRESENT

Jack Rhoda, President  
Mark Hermodson  
David Williams  
Karl Rutherford  
James Miller

#### STAFF PRESENT

James Hawley  
Bernard Gulker  
Kathy Lind  
Larry Cuculic, Attorney  
Julie Holder

President Jack Rhoda called the meeting to order.

#### I. APPROVAL OF MINUTES

James Miller moved to approve the minutes of the June 5, 2002, Executive Committee public hearing as submitted. Mark Hermodson seconded and the motion carried by voice vote.

#### II. NEW BUSINESS

James Miller moved that the Comprehensive Plan for Tippecanoe County, the Unified Zoning Ordinance of Tippecanoe County, and the Unified Subdivision Ordinance for Tippecanoe County, Indiana are hereby entered by reference into the record of each agenda item. Mark Hermodson seconded and the motion carried by voice vote.

#### III. PUBLIC HEARING

1. **S-3190—CHINA GARDEN MINOR SUBDIVISION (MINOR-SKETCH):** Petitioner is seeking primary approval for a 2-lot commercial subdivision on 1.10 acres, located on the north side of SR 26, just east of the Creasy Lane intersection, in the City of Lafayette, Fairfield 23 (SE) 23-4.

James Miller moved to hear and vote on the above-described request. Mark Hermodson seconded the motion.

Bernard Gulker read staff comments with a recommendation of conditional primary approval based on the following conditions:

**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

1. A "No Vehicular Access" statement shall be platted along the SR 26 East right-of-way line.
2. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
3. The required agreement for the off-site parking shall be recorded or an easement shown on the final plat.
4. All required building setbacks shall be platted.
5. The street addresses and County Auditor's Key Number shall be shown.
6. The easement for ingress-egress, utilities and drainage shown across the north side of Lot 2 shall be expanded to include the northern 31 feet of said Lot 2 per the private sewer owners' condition.

**SUBDIVISION COVENANTS** – The following items shall be part of the subdivision covenants:

7. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Roger Fine, representing the petitioner, 1526 Main Street Lafayette, IN 47901, stated they agree with the staff report and concurred with the conditions. He asked for conditional approval.

Dave Shumaker, D & R Market Shopping Center, 101 N Creasy Lane Lafayette, IN, stated he had a few concerns that should be addressed. He asked about a 25-foot easement and if this subdivision would adhere to that requirement. He stated a great concern for the high volume of traffic that would be leaving and entering this development.

Jack Rhoda asked to see the aerial photo of this site.

James Hawley retrieved it from the file. He stated that the plat does show a 20-foot easement on the plat and showed the Committee on the plat drawing.

Roger Fine pointed out on the plat the entrance to the development.

Mark Hermodson stated that having an access to the north side of the property would solve the left-turn problem during commute time.

The Executive Committee voted 5 yes – 0 no to conditionally approve **S-3190—CHINA GROVE MINOR SUBDIVISION (MINOR SKETCH).**

2. **S-3192—SLAGEL MINOR SUBDIVISION (MINOR-SKETCH):**

Petitioner is seeking primary approval for a 2-lot subdivision on 3.1 acres, located on the north side of CR 510 S and bordering the southwest side of the Wea Creek, in Wea 21 (NW) 22-4.

James Miller moved to hear and vote on the above-described request. Mark Hermodson seconded the motion.

Bernard Gulker read staff comments with a recommendation of conditional primary approval based on the following conditions:

**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

1. Except for the approved entrance, a "No Vehicular Access" statement shall be platted along the CR 510 S right-of-way line.
2. All required building setbacks shall be platted.
3. The Regulatory Flood Elevation and Boundary for the Wea Creek Flood Plain shall be shown.
4. Street addresses and County Auditor's Key Number shall be shown.

**SUBDIVISION COVENANTS** – The following item shall be part of the subdivision covenants:

5. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Jim Butcher, representing the petitioner, 10 N 3<sup>rd</sup> Street Lafayette, IN 47901, stated they agree with the conditions and asked for approval.

The Executive Committee voted 5 yes – 0 no to conditionally approve **S-3192—SLAGEL MINOR SUBDIVISION (MINOR SKETCH).**

#### **IV. APPROVAL OF THE JULY 2002 APC PUBLIC HEARING AGENDA**

##### **A. REZONING ACTIVITIES**

James Miller moved that the following rezones be placed under Public Hearing on the July 17, 2002 Area Plan Commission Public Hearing Agenda:

- Z-2074—DOROTHY M. BOLLOCK (R1 TO R2)**
- Z-2075—COPPER BEECH TOWN HOMES COMMUNITIES, LLP (R1 TO R3)**
- Z-2076—MANN PROPERTIES (BENJAMIN CROSSING PD) (A TO PDRS)**
- Z-2077—McCORMICK PLACE, LLC (R3 TO PDRS)**
- Z-2078—ROBERT CUMMINGS (R1 TO A)**
- Z-2079—MIKE AULBY'S ARROWHEAD BOWL**

David Williams seconded and the motion was carried by voice vote.

##### **B. SUBDIVISIONS**

James Miller moved that the following subdivision petitions be placed on the July 17, 2002 Area Plan Commission Public Hearing Agenda at petitioners' request, placement thereon being without reference to compliance or non-compliance with the adopted subdivision ordinance:

- S-3181—VALLEY LAKES SHOPPES SUBDIVISION (MAJOR-PRELIMINARY)**
- S-3189—HUNTINGTON FARMS SUBDIVISION, PH. 3 & 4 (MAJOR-PRELIMINARY)**
- S-3194—SKIDMORE MINOR SUBDIVISION (MINOR-SKETCH)**
- S-3196—EAGLES NEST FARMS PHASE 1, SECTIONS 1, 2 & 3 (MAJOR-PRELIMINARY)**
- S-3197—LAFAYETTE REDEVELOPMENT COMMERCIAL SUBDIVISION (MAJOR-PRELIMINARY)**
- S-3198—SHAWNEE RIDGE SUBDIVISION, PHASE 3 (MAJOR-PRELIMINARY)**
- S-3199—HANKINS SUBDIVISION (MINOR-SKETCH)**

Mark Hermodson seconded and the motion was carried by voice vote.

Jack Rhoda stated they were ready to approve the ABZA agenda.

Mark Hermodson mentioned that this was the first time in 20 years that there have been no filings. He stated he thought the reason why was because the Board has been sending out the message, by staff's request, to deny certain kinds of variances. He said also the effects of the New Zoning Ordinance are being seen. He said the number of cases is down because the Zoning Ordinance works.

## **V. DETERMINATION OF VARIANCES**

### **A. Lafayette Division of the Area Board of Zoning Appeals**

James Miller moved that the following requests for variance from the Unified Zoning Ordinance are not requests for use variance, prohibited from consideration by ordinance and statute:

**#2002-27—SUSAN L. RIEHLE**  
**#2002-28—ANDREW BUCHE**  
**#2002-29—EDWIN AND SHARON INGERSOLL**  
**#2002-30—NATHAN LIVENGOD**  
**#2002-31---HAWKINS OUTDOOR, LLC**  
**#2002-32—HAWKINS OUTDOOR ADVERTISING**  
**#2002-33—STEVEN F. AND LINDA Y. FIELDS**

Mark Hermodson seconded and the motion carried by voice vote.

James Miller moved that with regard to the following petition, the sign ordinance be strictly adhered to:

**#2002-31---HAWKINS OUTDOOR, LLC**  
**#2002-32—HAWKINS OUTDOOR ADVERTISING**

Mark Hermodson seconded and the motion carried by voice vote.

## **VI. REVIEW AND APPROVAL OF THE JUNE 2002 BUDGET REPORT**

James Miller moved to approve the June 2002 budget report. Mark Hermodson seconded.

James Hawley mentioned to the Committee that he would be asking the County Council for an increase of \$10,000 in legal fees.

Jack Rhoda asked where County Council would get the \$10,000.

James Hawley answered that the County Council does have a substantial amount of money in unallocated funds that they would draw from. He mentioned that the staff asked for much more than this during the budgeting process and legal fees were

cut by County Council. He said because of an increase in cases due to the work done by Al Levy, the Zoning Enforcement Officer, there is a need to pay for legal fees.

The above motion was carried by voice vote.

## **VII. OTHER BUSINESS**

Karl Rutherford commended staff and the MITS Department for acting so quickly in creating the website for the Area Plan Commission.

James Hawley mentioned that draft minutes would not be put on the website but approved minutes would.

Karl Rutherford mentioned that the citizens will also appreciate the Area Plan Commission website.

Jack Rhoda asked when the next Ordinance Committee meeting would be.

Kathy Lind answered that it will be July 16, 2002 at 4:30. She stated it would be regarding the Columbian Park Neighborhood rezone and that staff had sent out 950 letters to the landowners.

James Hawley outlined further rezone cleanup areas within the City of Lafayette that he would be working on. He also asked for members to participate at a Budget and Personnel meeting Tuesday, July 9, 2002 at 4:30. He said it would not take long but he needs to submit his budget by July 12<sup>th</sup>.

Mark Hermodson, Jack Rhoda and Karl Rutherford stated they could meet at that time.

James Hawley stated they would send an agenda and post it by this coming Friday. He stated that at the end of the month Glenda Robinette would be changing jobs and moving to the Health Department. He stated they would need to fill that position and he would be working on that. He mentioned that the secretarial staff was not on the same level as other departments in the county and would be working to change that to be on par with other offices. He stated they would be revising job descriptions and that came to his attention when Glenda Robinette applied and interviewed for the Health Department job.

Jack Rhoda congratulated Glenda Robinette on her new job.

Glenda Robinette thanked him.

## **IX. ADJOURNMENT**

James Miller moved to adjourn the meeting. Mark Hermodson seconded and the motion was carried by voice vote.

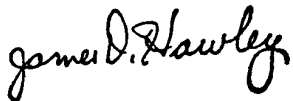
The meeting adjourned at 5:00 P.M.

Respectfully submitted,

A handwritten signature in black ink that reads "Julie Holder". The signature is written in a cursive style with a large, stylized "J" and "H".

Julie Holder  
Recording Secretary

Reviewed by,

A handwritten signature in black ink that reads "James D. Hawley". The signature is written in a cursive style with a large, stylized "J" and "H".

James D. Hawley  
Executive Director